

## **REMARKS**

The Applicants respectfully request reconsideration and allowance of claims 2, 3, 7-9, and 12-19 in view of the arguments set forth below.

## I. STATUS OF THE CLAIMS

No amendments to the claims have been made in this response to the Final Office Action.

II. THE CLAIMS ARE PATENTABLE OVER THE PRIOR ART OF RECORD IN THE CASE

The Final Office Action rejected claims 2, 3, 7-9, and 12-19 under 35 U.S.C. §103(a) as being unpatentable over pages printed from the website www.bingomania.net (“Bingomania” or the “Bingomania reference”), in view of U.S. Patent No. 5,830,069 to Soltesz et al. (“Soltesz” or the “Soltesz patent”) and further in view of Official Notice regarding regulatory requirements for record keeping in gaming systems citing U.S. Patent No. 4,948,138 to Pease et al. (“Pease” or the “Pease patent”). The Applicants respectfully submit that claims 2, 3, 7-9, and 12-19 are not obvious over Bingomania in view of Soltesz and the Official Notice because the proposed combination of references does not teach or suggest each element required by the claims, and because there is no teaching, suggestion, or motivation to modify the references as suggested in the Final Office Action.

1        Independent Claim 16

2            Independent claim 16 is directed to a gaming system for conducting bingo-type games  
3 and requires the following limitations:

- 4            (a) a player station;
- 5            (b) a user interface included with the player station, the user interface for (i) enabling  
6            a player using the player station to enter a game play request for a play in a bingo-  
7            type game to initiate a game play request communication from the player station,  
8            and for (ii) enabling the player to enter an automatic daub input for the play in the  
9            bingo-type game as a separate input after entry of the game play request;
- 10           (c) a data storage device for storing a matched card set, the matched card set  
11           including a number of game play records, each game play record including a  
12           respective bingo card representation and each respective bingo card representation  
13           being matched to a set of game designations;
- 14           (d) **a back office system connected for communication with the player station  
15           and also connected for communication with the data storage device, the back  
16           office system for assigning a respective game play record from the matched  
17           card set to the player station in response to receiving the game play request  
18           communication; and**
- 19           (e) an automatic daub control for applying the set of game designations in response to  
20           the automatic daub input to automatically daub the respective bingo card  
21           representation associated with the respective game play record assigned to the  
22           player station. (Emphasis added)

23           In rejecting claim 16 under Section 103, the Final Office Action takes Official Notice that  
24           “gaming operators are required to keep records of every play in order to be able to reconstruct  
25           games of chance in the event of customer disputes” (Final Office Action, p. 4, lines 1-2). Based  
26           on this observation, the Final Office Action finds that “[I]t would have been obvious to one of  
27           ordinary skill in the art at the time of the invention to have modified BingoMania & Soltesz in  
28           view of Official Notice to include keeping records of all game play in order to meet the  
29           requirement of gaming regulations and to resolve customer complaints” (Final Office Action, p.  
30           4, lines 6-9).

31           However, claim 16 does not merely require structure for keeping records of all game play.  
32           Element (d) of claim 16 requires **“a back office system connected for communication with the**

1 player station and also connected for communication with the data storage device, the back  
2 office system for assigning a respective game play record from the matched card set to the  
3 player station in response to receiving the game play request communication.” The mere  
4 proposition that gaming operators must keep records of game play as indicated in the Official  
5 Notice, does not in any way teach or suggest assigning stored game play records to a player  
6 station in response to a game play request as required in the claim. Thus, element (d) of claim 16  
7 is simply missing from the proposed combination of BingoMania, Soltesz, and the Official  
8 Notice. Claim 16 thus cannot be obvious in view of the proposed combination.

9 The Final Office Action cites Bingomania as a bingo gaming system that “allows  
10 registered players to play 3 to 100 bingo cards at one time using automatic daubing (via auto-  
11 daub or “auto-daube”) or manual daubing (via player input)” (Final Office Action p. 2, lines 15-  
12 16). However, Bingomania does not in fact give a player the option of using automatic daubing  
13 or manual daubing as the Final Office Action suggests. Rather, Bingomania simply appears to  
14 perform automatic daubing if a player plays three or more cards simultaneously. Furthermore,  
15 Bingomania does not disclose or suggest enabling a player to enter an automatic daub input for a  
16 play in a bingo-type game as a separate input after entry of the game play request as required by  
17 element (b) of claim 16. In addition, Bingomania does not disclose or suggest assigning a  
18 respective game play record from a matched card set and thus does not make up for the  
19 deficiency of the Official Notice as to element (d) of claim 16.

20 The Final Office Action cites Soltesz in order to show the specific hardware capable of  
21 implementing the bingo-type gaming system taught by Bingomania. (See section 2, page 2 of the  
22 Final Office Action). Soltesz discloses a networked bingo game that includes a central site  
23 computer and a number of remote site computers. (See Figure 1 and col. 2, lines 1-13 of

1 Soltesz). A bingo machine at the central site randomly selects the bingo balls and the ball draw  
2 is captured on video and sent to the remote site computers. Players may indicate achieving a  
3 bingo by pressing a virtual button on the remote site computer screen or by calling the central site  
4 on a land line. (See col. 3, lines 41-53 and col. 3, lines 61-65 of Soltesz). Soltesz does not  
5 disclose or suggest enabling a player to enter an automatic daub input for a play in a bingo-type  
6 game as a separate input after entry of the game play request as required by element (b) of claim  
7 16, nor does Soltesz disclose or suggest assigning a respective game play record from a matched  
8 card set to the player station in response to receiving a game play request communication from  
9 the player station as required by element (d) of claim 16.

10 The Final Office Action proposes certain modifications to the combination of  
11 Bingomania, Soltesz, and the Official Notice in an effort to show the limitations required by  
12 claim 16. At lines 10-15 of page 4, the Final Office Action makes the following statement to  
13 support the combination of references.

14 With respect to the separate input to allow players to request automatic  
15 daubing, Examiner notes that this would have been well within [sic] the capability  
16 of one of ordinary skill and would increase player convenience by [sic] It would  
17 have been obvious to one of ordinary skill in the art at the time of the invention to  
18 have modified BingoMania & Soltesz to include a separate input to allow players  
19 to request automatic daubing in order to allow a player to choose auto-daubing  
20 when a player had two bingo cards.

21 However, a finding that the claimed invention is within the capability of one skilled in the art is  
22 not sufficient to establish a *prima facie* case of obviousness absent some teaching, suggestion, or  
23 motivation in the prior art to make the combination. (See MPEP §2143.01(IV); *Al-Site Corp. v.*  
24 *VSI int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999)).

25 Because the proposed combination of Bingomania, Soltesz, and the Official Notice does  
26 not teach or suggest at least elements (b) and (d) of claim 1, and because there is no proper

1 teaching, suggestion, or motivation from the prior art to make the proposed combination, the  
2 Applicants submit that claim 16 is not obvious in view of the proposed combination and is  
3 entitled to allowance together with its dependent claims, claims 2, 3, and 17.

4

5 Independent Claims 18 and 19

6 Independent claims 18 and 19 require limitations similar to those of claim 16 regarding  
7 an automatic daub input that is a separate input after entry of a game play request, and regarding  
8 assigning a game play record from a matched card set in response to receiving a game play  
9 request communication. Therefore, the arguments presented above with respect to claim 16  
10 apply with equal force to claims 18 and 19 along with their respective dependent claims. For  
11 these reasons, the Applicants submit that independent claims 18 and 19 along with their  
12 respective dependent claims, claims 7 through 9 and 12 through 15, respectively, are not obvious  
13 over Bingomania, Soltesz, and the Official Notice.

### III. CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of claims 2, 3, 7-9, and 12-19. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the Applicants' attorney Russell D. Culbertson at the number listed below.

Respectfully submitted,

The Culbertson Group, P.C.

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